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NOTE ON THE STATUTES OF LABOURERS

IN 1917 Miss Bertha Putnam sent a note to *The Athenæum*[1] pointing out that there was evidence elsewhere of some convictions under the Statutes of Labourers among the tenants of the Bishop of Winchester, although I had failed to discover any such evidence in the Winchester Pipe Roll.[2] In 1917, however, there were problems in Europe even more urgent than historical research, and Miss Putnam's criticism remained unanswered. Many years after, the " Pipe Rolls " have yielded more information as to offences under the Statutes than seemed at all likely.

The relevant entries are easily overlooked, as they appear under the heading of *Virida Cera*,[3] on certain manors which possessed the right to the profits of royal justice, and hence received the fines imposed by the Justices of Labourers. These entries appear at Esher (Surrey), West Wycombe (Bucks), Downton (Wilts), Witney (Oxon), Wargrave (Berks), Brightwell (Berks), Ivinghoe (Bucks), in the years 1356-57 and 1360-61,[4] and possibly in other rolls. There are none, apparently, in Hampshire. The number of offences varies sharply. Thus Esher and West Wycombe have only one case apiece; Downton has 27, Witney 54, Wargrave about 26, Brightwell has 8, and Ivinghoe 57. The fines imposed seem to have been somewhat stereotyped; they range from 2d., 4d., up to 6s. 8d., never more: the majority are under 1s. If they represent, as is generally stated, the difference between the statutory wage and the actual wage, it is difficult to understand the relation between the fine and the *time* for which excess wages were paid. It is unlikely that most cases were stopped after one or two days. At Witney or Downton a large proportion of the population was involved, and the men who appear as pledges for an offender often figure a little lower on the list as offenders themselves. Unfortunately the entries are not made on a uniform plan;[5] sometimes the occupation of the offender is given, sometimes not. Thus at

[1] *The Athenæum*, July, 1917, p. 348. Cf. *Enforcement of the Statutes of Labourers*, 148, note 4.

[2] *Oxford Studies in Social and Legal History* (ed. Vinogradoff), v. 144.

[3] *I.e.*, Estreats of Green Wax.

[4] *Eccles. Comm. Various*, 159,368 and 159,372. For the correct dating of these rolls *cf.* THE ECONOMIC HISTORY REVIEW, Vol. II., No. 1, p. 93.

[5] The usual entry is as follows: " De Radulfo Lovring Tannere de finibus pro excessibus per plegium J. Tyny et Henrici Baker xiid.

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Downton fines are imposed on four tanners, two or three tailors, a cutter, a baker, a carpenter, a fishmonger, a glover, a skinner, a saddler and several women. Only one agricultural worker is named (a mower), but there are three or four names with no note of occupation. At Witney, unfortunately, no occupations are quoted, apart from surnames, which include Tailor, Mason, Peyntoure, Shepherd, Webbe, Brasier, Carpenter, Diker, Thetcher, Smith, Sadeler, Prophete, Ficheler, Prentys, Tannar, Scolemaistr'. It is difficult to ascertain whether in 1360 these names have lost their original significance or not. There is no definite evidence that any of the offenders are engaged in the woollen industry. At Wargrave no clue is given to the occupations of the offenders. At Brightwell three of the eight offenders are described as " servants of A. B."; two of these are women. Were they perhaps upper servants who had engaged others at excessive rates? There are no agricultural offenders, which is not surprising, as Brightwell suffered extremely lightly from the Black Death, and there seems to be no *Sale of Works* on the manor and no *Harvest Expenses*, though there were large crops of corn. It may therefore be assumed that the manorial work was entirely performed by the customary tenants. The offenders are probably craftsmen or domestic servants.

At Ivinghoe, on the other hand, the list begins with the village craftsmen or shopkeepers, the carpenter, butchers, bakers, brasiers, tailors, smith, *galegmongere*, spinner and weaver, but it also contains six mowers, a reaper, carter, and labourer, and one or two ploughmen. In the account for the same year all the mowing on the demesne is noted as performed by the customers, and very little corn was grown. It is fairly clear that the mowers must have been employed by the Bishop's tenants, rather than by the Bishop himself. At Brightwell and Wargrave the Bishop's Seneschal (Thomas de Pentelowe) was one of the Justices.

It is not entirely clear (to me) whether the person fined is always the workman himself or the employer.[1] Usually the workman, it would seem; but what is the meaning of the entry (at Witney) " De Ricardo Shepherd serviente Johannis Garselwell pro eodem per plegium dicti Johannis "? Is the master making himself responsible for the servant who has asked or paid excess wages? Again, Isabella Lacy (Witney), who is fined, is a widow holding *c.* 10 acres of assart land in the field of Witney, and therefore more likely to be employer than employed.

The one point that seems clear is that the difficulty about wages does not appear to touch the Bishop's demesne labour; if he had trouble, it was not usually dealt with by the Justices of Labourers.

[1] *Cf.* Putnam, *Enforcement of the Statutes of Labourers*, 75-77.

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The greater number of cases were those of small craftsmen, in the partially industrialized villages, though without any direct reference to the cloth industry, which was well established at both Witney and Downton. The Justices of Labourers were evidently to some extent supplying the lack of gild control. Where the persons fined were agricultural labourers, they are for the most part the seasonal labourers, employed in the hay and corn harvests—not the migrant labourers, since the offenders can be brought (with difficulty) to the local sessions of the justices, but that margin of wage-paid labour which existed on every manor, among the holders of the smaller tenements, or the sons or brothers of tenants. With the increase in the size of some holdings, which must have been the result of (*a*) the Black Death, (*b*) a vigorous policy of *assarting* during the fourteenth century, there must have been considerable competition, not between lords of manors, but between the lord of the manor and his wealthier tenants, customary or free, and between the tenants themselves, to secure the use of this margin of labour. Such tenants not infrequently held 80 to 100 acres. On the Winchester estates the lease-holders had hardly developed as a separate class by 1350.

It would seem incredible that the Justices should have proceeded against the workmen to whom the Bishop had paid excess wages, and that the fines and amercements, due as *Green Wax*, should then have been handed back to the Bishop.[1] It would seem the more incredible when one of the Justices concerned was the Bishop's Seneschal, who would, in his administrative capacity, have had to sanction the high wages paid. But although the incredible is not always to be ruled out, in point of fact this did not happen. The Bishop, through the Justices, profited to a small extent (1s., 1s., 25s. 3d., £5 2s. 2d., 16s. 2d., £2 10s.) from the competition of his tenants for labour, not from fines imposed upon his own labourers; what is more important to him is that he checks that unlimited competition, and to some extent provides against a constant and bitter cause of strife in the villages.

The payment of wages was a comparatively modern phenomenon, not easily brought within the bounds of the "custom of the manor" and bearing many different relations to the older customary services and privileges. It would have puzzled the manorial court to discover any certain grounds in the customary law by which excessive demands could be checked. This was the more true since the manorial courts, for the last century, had been constantly engaged in building up an embryo customary law of contract, and the wages paid within the manor must usually have fallen under the control of "parole agree-

[1] On the whole question of the claims of Lords of franchises *cf.* Putnam, *op. cit.*, 138 *et seq.*

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ments."[1] Here and there, though rarely, are to be found traces of reliance upon the " custom of the country " in fixing wages, and the method of regulation by bye-law was available, though perhaps not very frequently used. Indeed, the Welsh examples quoted by Professor Rees seem to be almost unique.[2] The enforcement of bye-laws was probably not very easy, if one may judge from the long periods in which customary services, on some manors, had not been regularly either secured or commuted; and when the bye-law affected relations between two equal members of the village, rather than between lord and man, its enforcement must have been doubly difficult. Hence, if a wage system was to grow up in the villages, competition among the wealthier tenants of the manor could only be dealt with by a new machinery, and it was this need, quite as much as the desire of the manorial lords to keep down their expenses, which lay behind the Statutes of Labourers.

It is perfectly clear, however, that no list of maximum wages which could be drawn up—and certainly not those lists which were actually drawn up in the Statutes—could hope to include all the infinite variety of " piece-work " rates to be found on the Bishop of Winchester's manors, rates which varied (then as now, in all intelligent agricultural societies) according to weather, the state of crops, the shape and position of fields and so forth. The work of a craftsman could more easily be defined and stereotyped, and there was serious need for some authority where gilds did not exist. An interesting study could probably be made of the parts played by the Justices and by the manorial authorities in regulating the affairs of the industrialized villages, or small boroughs, such as the West Country cloth centres, and in supplying the lack of gild control. The invaluable work of Professor Bertha Putnam, mainly on the administrative side of the problem, needs to be continued by a closer study of the economic significance of the available evidence.[3]

A. E. LEVETT.

[1] If the wages were determined by a block contract, this contract, enforced by the manorial court, or by the private council, may well have been in writing. Such contracts or conventions are common in the Winchester accounts, and they are occasionally expressly stated to have been approved by the Bishop's council.

[2] Cf. *South Wales and the March*, 1284-1415, pp. 268-9. Professor W. Rees quotes several examples, earlier than 1349, of mentions of the *Statutum patriæ* fixing wages, and of the Statute of Stipends. I gather, however, from Professor Rees that he is not prepared to defend the capital S, and that the *Statutum* was probably only a local regulation of some kind.

[3] This note is partly an overdue admission of my own error, partly a plea for further studies of the type suggested.

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